

LAKES MANAGEMENT ADVISORY COMMITTEE

NH Lakes Management and Protection Program
New Hampshire Department of Environmental Services
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
phone: 603-271-2959 fax: 603-271-7894
e-mail: jcolburn@des.state.nh.us

MEETING MINUTES November 16, 2007 DES Conference Room 9:00 a.m. - 12:30 p.m.

Members present:

Phil O'Brien, Chair
Larry Sunderland, Vice Chair
Wendell Berry
Jennifer Czysz
Diane Hanley
Mark Hemmerlein
Ken Jordan
Mitchell E. Kalter
Steve Perry
Shari Colby (for Johanna Lyons)
Fred Murphy
Michele L. Tremblay
Ken P. Wilson

Representing:

NH Lakes Association
Conservation Community
NH Business and Industry Assn
NH Office of Energy & Planning
Conservation Commissions
Commissioner, DOT
NH Association of Realtors
NH Fish & Game Commission
Fish & Game Dept.
Commissioner, DRED
Planning Board
State Conservation Committee
NH Marine Dealers Association

Term:

August 1, 2009
September 19, 2010
July 8, 2010
Indefinite
August 22, 2010
Indefinite
June 27, 2008
August 22, 2009
Indefinite
Indefinite
August 1, 2008
August 1, 2009
August 22, 2008

Members not present:

Jim Haney, Ph.D.	Scientific Community, UNH	August 22, 2010
Mark Gallagher	Commissioner, DOS	Indefinite
Vacant	Tourism Industry	Expired
Vacant	Municipal Official	Expired
Vacant	Commissioner, Dept. of Agr., Markets & Food	Indefinite

Staff Present

Jacquie Colburn	Lakes Coordinator, Watershed Management Bureau
Carolyn Guerdet	Admin. Asst., Water Division

Guests

Derek Durbin	NH Lakes Association
--------------	----------------------

The Meeting Was Called to Order

- **Phil O'Brien, Chair, called the meeting to order at 9:04.**

I. Opening

- 1) Recognize/Introduce Visitors
 - 2) Review of Agenda
 - 3) September Meeting Minutes
Corrections were noted for the minutes of September 28, 2007.
- **Michele L. Tremblay made a motion to accept the September 28, 2007 minutes as corrected. Mitch Kalter seconded the motion. Vote was unanimous.**
- 4) Review notes from October UNH County Conversations of October 26, 2007:
Since the LMAC did not have a quorum for the UNH October event, no vote was taken regarding the notes.

It was noted that the Watershed Conference was accepting walk-ins and Michele invited the Committee to attend if possible. It is tomorrow, Saturday, November 17, 2007 at the NH Technical Institute.

- **Chairman O'Brien introduced Diane Hanley, representing the NH Association of Conservation Commissions, and Steve Perry, representing NH Fish and Game Department, as new Committee members.**

II. Key Discussion Issues

1) HB 710 Commission (Leasing State-Owned Land)

Commission Interim Report – Mitch reported that the Interim Report has submitted a list of about ten major issues in need of further evaluation and discussion. The issues are not listed in order of their importance. The Commission has not limited itself to these issues, but rather established a minimum, and the report has been worded carefully to ensure this. The Commission is currently waiting for the final iteration of the state surplus lands data. The data will then be reviewed and testimony will be heard from various organizations, including the NH Lakes Association and legislators to further the discussion.

A subcommittee of the 710 Commission has been formed to focus on these issues and will report their findings at the January meeting. Jennifer reported that DRED, Fish & Game, and DES have made a first pass at the data and DOT is still working on theirs. The larger issue is that the data is based on estimates and is more illustrative rather than specific. More specifics would require deed research and surveying that would require time and resources that are not available. What has been put together is a very fair estimate, but is not exact. Jennifer indicated there is an adequate amount of information to make broad policy decisions. If the policy needs a detailed database then one of the recommendations the Commission could make is to provide appropriations for the creation of that database. Municipal tax maps are not available for the majority of communities in a GIS format. The list has been narrowed to those properties that are in proximity of public waters.

Derek Durbin, NH Lakes Association, briefly reviewed the NHLA Policy Paper he has written. This was specific to land that is disposable within agencies that are abutting public water. It explains three statutes – RSA 4:40, RSA 4:39C and RSA 228:57A under which land can be disposed of. The process is explained under each and then he provided ideas, recommendations, and solutions to improve the process. Derek will be giving a similar presentation to the 710 Commission.

Jennifer noted there were two different sets of inconsistencies being debated at the Commission meetings:

1) Each statute gives state agencies varying degrees of jurisdiction and authority and 2) the internal decision making processes at each state agency has many inconsistencies (i.e., DOT lands purchased with federal highway or turnpike funds are sent directly to the Rivers Coordinator if they fall within 250 feet of a perennial river or stream or the Lakes Coordinator if they fall within 250 feet of a lake or great pond, but if they were not purchased with either of those funds they must go through CORD.) Derek also noted that the public is especially interested in the transparency of the process. Proposed surplus land disposals must go through Governor and Council, which represents the public. They also go through Long Range Capital Planning and Utilization Committee, but that Committee is more focused on the financial resources of the State, not the ecological value of shorelands. Larry noted that Derek's paper points out a number of inconsistencies between the leasing and selling of land. Jacquie stated the charge of the Commission is only the leasing aspect of land disposal. The selling of land may be integrated into future discussions. Chairman O'Brien questioned if leasing state-owned property was good idea at all. Mitch pointed out that the Commission's number one concern is "should state-owned real estate ever be considered as surplus." The Commission has also debated the leasing of shoreland property to landowners who are separated from the shoreland by the placement of a railroad. The database does not properly address these issues right now.

The next 710 Commission meeting will be on January 22 at 1 p.m. at the Legislative Office Building. A subcommittee meeting was held on November 15th and the next meeting is scheduled for December 19th to continue working on the maps and the information specific to each agency. This effort is in direct response to a letter Alice Chamberlain sent to the Department Commissioners and Directors in October of 2006.

2) Proposed Legislation for 2008

Jacquie distributed a list of the Legislative Service Requests (LSRs) that she is currently tracking. NH LAKES will provide a Legislative Weekly which discusses legislation. There are currently 11 LSRs that affect lakes or watersheds that were reviewed. There was an interesting discussion on the bill regarding the establishment of stormwater districts by municipalities.

Jacquie asked that others keep an eye on LSRs as they become available that would be of interest to the LMAC. Michele suggested conducting a key word list. The LMAC agreed to track all the LSRs listed in the handout except number 2115.

The speed limit bill is going before the House in December. It is limited to Winnepesaukee and will sunset in three years.

3) Sustainability Initiative

Jacque reported the Sustainability Initiative subcommittee will meet after today's meeting. The document has been reworked and it now asks the question – are the present regulations and programs sufficient to maintain water quality and quantity now and in the future? The paper provides an overview of the impacts of landscape change, by listing the eight key issues that need to be addressed in order to achieve sustainability over the next 25 years. The paper also defines sustainability and anti-degradation and evaluates the status of the legislative elements of the Rivers Management and Protection Program and the Lakes Management and Protection Program. Numerous documents and programs have also been evaluated and summarized that have been produced by the state and other organizations over the last 30 years to address water quality and quantity degradation. Lastly, it recommends that the Commissioner authorize the LMAC and RMAC to undertake a Sustainability Initiative that will include developing environmental and programmatic indicators and recommendations to address the eight key issues. The subcommittee will review the draft today and staff will make revisions. The subcommittee will look at it before it is sent to the LMAC and RMAC for their review and consideration at their December meetings. Pending any additional edits, it will then be sent to the Commissioner. Michele suggested a joint meeting with the RMAC and LMAC to discuss this. She will propose that the RMAC cancel their December 10th meeting and join the LMAC on December 21st.

III. Discussion regarding LMAC Summer 07 Lake Visits – Ossipee and Sunapee

1) Lake Sunapee

Lake Sunapee has two state agencies (DRED and F&G) involved in the issue of public access at two separate properties. Should the LMAC be involved in helping resolve these issues? A meeting could be held where the parties are brought together. The difficult part is how to get representation from the boating group, which is not organized. How does the LMAC see itself participating in this process? Since Sunapee has a lot of public dynamics, agency input, public interest, etc. it was decided that the LMAC will discuss this again at a later date.

2) Ossipee Lake Natural Area

Chairman O'Brien reported DRED decided late this summer to close a substantial portion of the Ossipee Lake Natural Area because of endangered plant species and over/misuse of the property. The Ossipee Lake Alliance encouraged this action be taken. DRED is going to develop a management plan in the coming year.

Jacque noted she is having conversations with Johanna Lyons of DRED regarding the Natural Area, as DRED is charged with the development of a management plan regarding the use of the Natural Area. This area is unique in its support of rare and endangered species, some that are globally rare. While DRED is charged with managing the activities that are going on at the beach and on the land, those cannot be separated from on-water activities. There is a growing awareness to use more of a comprehensive or holistic approach, where DRED, DES and local lake associations all work together to develop workable solutions that make the best use of limited human and financial resources. Some of the things that need to be considered are the plants that are being trampled for 'personal' reasons or have been built upon for personal private use. Perhaps, one of the recommendations would be to install a toilet facility to eliminate the need to relieve one's self in the Natural Area.

Chairman O'Brien noted that NH LAKES had spoken with Commissioner George Bald and he has encouraged the involvement of these groups to help resolve these issues. Bud B. added that this is a classic carrying capacity issue. He suggested directing whoever is managing this process to hire a consultant and facilitator to lead a community-based approach for the development of a comprehensive land use and water use plan. Mark H. reported that DOT has had good experience with facilitators, since they make sure that everyone is equally represented. The question is the cost/funding. The organized groups are Ossipee Lake Alliance, Green Mountain Conservation Group, and the Long Sands Association (the homes that are adjacent to the Natural Area). The marinas on the lake could get information to the boaters and residential people. Fred noted there is a critical period for some of the species, so management needs to begin now.

Jacque asked that since it has been suggested that a private consultant be brought in, what funding sources could be used. Michele noted it is hard to separate DES from LMAC, so the LMAC should offer to

be the public facilitating/coordinating body as it represents a wide range of interests. The New England Grass Roots Environment Fund could be a possible source of seed money. It was also suggested to use multiple sources for smaller amounts.

Chairman O'Brien suggested a letter to Commissioner Bald suggesting the LMAC could play that role. The matter of funding is an issue that we think we can help deal with it. It was suggested to ask Commissioner Bald to see if he is interested in having a facilitator/dispute mediator. Michele noted we need to identify a fiscal agent, such as the NH Lakes Association or others to receive and distribute funds. Ken W. noted the NH Marine Trades Association received two smaller grants, one from the Bank of Hong Kong. It was also noted that community banks tend to have small community funds. Wal-Mart is another potential source. Chairman O'Brien noted that this effort is relevant to the LMAC and should be pursued.

- **Mitch Kalter made a motion that the LMAC will offer to assist the Department of Resources and Economic Development and act as a convener of the development of the Ossipee Lake Natural Area Management Plan. Second by Michele L. Tremblay. Vote was unanimous.**

Fred suggested including the reason to assist DRED in the development of a management plan for the preservation of the Natural Area in the letter. Jacquie reiterated that you can't separate the use of the Natural Area from the activities on the lake, as they are all inter-related. Chairman O'Brien stated that the language of the letter needs to offer our assistance as the mediators in a way that will be well received.

Michele was concerned about adding specific language, because we are only offering to be the convener of a process; we are not offering to be any more involved than any other stakeholders in the process. It was explained that the letter will not bind us to have any more of a role than any other stakeholder. We are only making an offer to provide assistance. We are a diverse group, a neutral party that could help DRED and give it more structure. Jacquie said that following our visit at Ossipee, the individuals who attended the meeting said that it is great that the State has a committee that's made up of such a diversity of interest groups. They asked how we could work together to address these issues. Bud B. suggested the letter note we are offering to be a neutral party to assist with this process and we will help secure funding.

Other Business:

Fred requested that next year the LMAC visit Mascoma Lake in Enfield. Michele also suggested that we visit Webster Lake in Franklin.

Chairman O'Brien mentioned that Jim Haney would like to do periodic presentations on some technical, scientific topics to keep the LMAC abreast of those happenings.

Michele asked about lake groups that have gone through the management plan process and are now implementing their plans to come in and show us what they're doing and describe what's worked, what hasn't and what they would do differently. She volunteered to talk about Beaver Lake.

Paul Currier, DES Watershed Administrator, wants the LMAC to be aware that the Water Quality Standards Advisory Committee is being reactivated. It has not met for a year and will meet on December 10th. They will be working on developing a definition of high quality of waters, determining procedures for the social and economic justification, and the water transfer at Canobie Lake. Bud will try to attend.

Update Regarding Shoreland Protection Act

Jacquie has asked Darlene Forst to do a presentation at the January 25th LMAC meeting on the Comprehensive Shoreland Protection Act (CSPA) that goes into effect on April 1, 2008. Jacquie explained that draft administrative rules for the CSPA have gone before the Water Council and were approved to go forward. Diane H. has served on the rules committee and shared some of the issues that were discussed. There has also been a group convened to work on education and outreach of the CSPA.

Member Updates:

Mark reported DOT has secured a grant to study stormwater run-off on rural highways, modeling and best management practices.

Jennifer reported that OEP is submitting an application, along with DES, to serve as a pilot state in a trust for public lands and smart growth initiative called "Enabling Source Water Protection Aligning State Land Use and Water Protection Programs." This initiative would look at innovative ways to better align programs and policies that already exist and new ones to consider for the future.

Michele reported the State Conservation Committee closed its applications for Moose Plates Grants this past Friday. There is between \$200,000 and \$250,000 to distribute and 15 applications were received. The focus is on change to condition, rather than education or outreach. Awards are approximately \$1,700 to \$100,000 to various organizations. The RFP can be found at www.scc.nh.gov.

Jody Connor, DES, reported that rock snot (Didymo) has spread to Lake Francis. DES is working with the Vermont Department of Environmental Conservation to clean boats with chlorine. Milfoil has also been found in two more areas – Pow Wow Pond in Kingston and on a river system in that area. A new aluminum, 30' pump-out boat has been purchased that holds 400 gallons of sewage since the entire coast of New Hampshire is a no-discharge area. The name of the boat is "The Royal Flush". ☺ The fiberglass boat that was there couldn't take the ocean wave action. There is a \$10 fee to pump boats, which is used to recover some of the gas costs.

Jacquie distributed the Comprehensive Lake Inventory (CLI), 2nd Edition that is also online. It reflects years of work to address the issues and needs relevant to lake management. It will be used as a guidance document to develop management plans. She will also give copies of the CLI to the Watershed Assistance Grants Program to use as a resource.

- **Motion to adjourn made by Ken Wilson and second by Michele L Tremblay. Vote was unanimous. Meeting was adjourned at 11:45 a.m.**